GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted over the Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District on 21-12-2013 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.775 **Dated:06-06-2018**
Read:

G.O.Ms.No.293, Revenue (Vigilance – II) Department, Dt:06-06-2018.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

To

Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District (w.e, Annexures-I to IV) **through** the Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to

The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Revenue (Commercial Tax – I) Department.

SF / SC.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI N. VIDYA SAGAR, JUNIOR ASSISTANT, COMMERCIAL TAX DEPARTMENT(OUT GOING CHECK POST), INTEGRATED CHECK POST, BV PALAM TADA MANDAL, SPSR NELLORE DISTRICT.

That Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department, Integrated Check Post, BV Palem, Tada Mandal, was appointed as Junior Assistant in Commercial Taxes Department on 25-04-2000 and worked at Integrated Check Post, BV Palem, Tada Mandal from 01-04-2013. While he was working as Junior Assistant in Integrated Check Post, BV Palem, Tada Mandal, SPSR Nellore District on 21-12-2013 has committed grave misconduct in as much as:-

CHARGE:- That Sri Nandimandalam Vidya Sagar, Junior Assistant, Commercial Taxes Department, Integrated Check Post, BV Palem, Tada Mandal being a public servant on duty allowed the crew of the vehicles to offer the amounts voluntarily for ignoring their violations while checking the records and the usual collection on 21-12-2013 was Rs.8,595/- engaged two private persons for collection of mamools from the crew of the vehicles and an amounts of Rs.1,200/- + Rs.800/- was found with said private persons A. Sunil Kumar and D. Adi Reddy. He failed to account for an excess amount of Rs.100/- found with him. Further he also failed to account for Rs.3965/- found behind the iron almyrah situated in outgoing check post.

Thus, Sri N. Vidya Sagar, Junior Assistant, Commercial Tax Department, by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby violated Rule 3 (1) (2) and 9(8A) of Andhra Pradesh Civil Services (Conduct) Rules. 1964.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE — II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI N. VIDYA SAGAR, JUNIOR ASSISTANT, COMMERCIAL TAX DEPARTMENT(OUT GOING CHECK POST) INTEGRATED CHECK POST, BV PALAM, TADA MANDAL, SPSR NELLORE DISTRICT.

That Sri N. Vidya Sagar, Junior Assistant, Commercial Taxes Department is a native of Nellore Town, SPSR Nellore District and he joined in Government Service as Junior Assistant on 25-04-2000 and working as thus at Integrated Check Post, B.V.Palem, Tada, Nellore District since 01-04-2013. His date of birth is on 22-04-1976 and date of retirement on attaining the age of superannuation is 30-04-2036. He is here-in-after referred to as Government Servant. (G.S.)

CHARGE:- That Sri Nandimandalam Vidya Sager, Junior Assistant, Commercial Taxes Department, Integrated Check Post, BV Palem, Tada Mandal being a public servant on duty allowed the crew of the vehicles to offer the amounts voluntarily for ignoring their violations while checking the records and the usual collection on 21-12-2013 was Rs.8,595/- engaged two private persons for collection of mamools from the crew of the vehicles and an amounts of Rs.1,200/- + Rs.800/- was found with said private persons A. Sunil Kumar, D. Adi Reddy. He failed to account for an excess amount of Rs.100/- found with him. Further he also failed to account for Rs.3965/- found behind the iron almyrah situated in out going check post.

FACTS AND EVIDENCE:-

On credible information that the officers and staff of Integrated Check Post, B.V.Palem, Tada Mandal SPSR Nellore District are indulging in corrupt practices and collecting mamools from the crew of vehicles plying through Integrated Check Post, B.V.Palem a surprise check was conducted over transport wing, prohibition and excise wing, commercial taxes incoming and outgoing wings of Integrated Check Post, B.V.Palem on 21-12-2013 from 00-30 hrs to 06-00 hrs with four teams headed by the Deputy Superintendent of Police, Anti Corruption Bureau, Nellore Range. Nellore in the presence of mediators. After completion of the surprise check at the transport wing, the team consisting of Deputy Superintendent of Police and others proceeded to Commercial Tax Outgoing Commercial Tax Check Post and found the presence of Team No.4 wherein Sri.K.Venkateswarlu, Inspector of Police, Anti Corruption Bureau informed to the Deputy Superintendent of Police that as per his instructions they visited the check post and found some gathering in the said check post and on seeing them two persons namely A.Sunil Kumar and D.Adireddy who were present in between the office complex and crew of the vehicles tried to run away from the said place and they were caught and kept them in the office room. Further the Inspector K.Venkateswarlu asked all the staff available at the outgoing check post to remain there till the arrival of the other team and also the Deputy Superintendent of Police. After that the Deputy Superintendent of Police arrived to the outgoing check post office and found the presence of the two private persons A.Sunil Kumar and D.Adireddy and on the request of Deputy Superintendent of Police the staff and the said two private persons disclosed the amounts available with him. On enquiry A.Sunil Kumar stated that he was engaged by the Commercial Taxes Department outgoing check post officials along with D.Adireddy for collecting mamools from the crew of the vehicles on their behalf and they are paying Rs.400/- per day and he is working there for the last two months. As usual he collected amounts from the crew of the vehicles and by saying so he produced an amount of Rs.1200/- which was seized by the Deputy Superintendent of Police. Then the Deputy Superintendent of Police also secured another private person by name D.Adireddy and he also

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informed and corroborated the facts made by A.Sunil Kumar and further stated that he is working there for the past 45 days. He also produced an amount of Rs.800/- which was collected as mamools to be given to the check post officials for verification of the documents and stamping from the crew of the vehicle. The Deputy Superintendent of Police also seized the same. When the Deputy Superintendent of Police confronted the versions of both the private persons and all the staff kept silent without offering any explanation. The Deputy Superintendent of Police also verified the personal cash register and also the actual amount available with them and they are tallied and hence the cash was returned to them. While it was so as usual the crew of the vehicles visited the counters along with goods records in one hand and currency notes in the other hand and paying the mamools to the staff for checking their books and to issue relevant bills and the amount was pooled up which comes to Rs 8,595/-. Some of the crew members were examined and stated that the officials are receiving the mamools for ignoring the violations.

As per the duty register pertaining to the Commercial Taxes Department on the date of surprise check, Sri N.Vidya Sagar was present and he was on duty. As per the voluntary statements given by the two above private persons that Government Servant in connivance with P. Ramesh, K.Srinivasulu, P.Srinivasulu collecting mamools from the crew of the vehicles in order to ignore the violations made by the said crew while checking the records. Private persons cannot be engaged as per the rules of the check post but the officials of the said check post engaged these two private individuals and opted illegal methods and collected an amount of Rs.2,000/- in total through the two private persons. Further there is no explanation given by the Government Servant regarding the availability of Rs.2000/-. All these factors reveal that the Government Servant in collusion with the other staff members are collecting mamools crew of the vehicles for ignoring their latches during the transit and thereby they have clearly violated the conduct rues. Further on verification of the interior room of the outgoing check post where the officials are sitting an amount of Rs.3,965/- was found behind the iron almarah and the Deputy Superintendent of Police questioned about the availability of the amount but none gave any positive reply. Further an amount of Rs.100/- was found with him which was made mention in the personal cash register.

Thus the Government Servant Sri N.Vidya Sagar, Junior Assistant, Commercial Taxes Department by his above-mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) (2)and 9(8A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered himself liable for departmental action for his misconduct.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE — III

LIST OF WITNESSES

1. Sri Tottempudi Venkata Rao S/o Venkateswarlu, Age: 35 Years, Caste: Mala, K.V.Agraharam, Chimakurthy Mandal, Prakasam District.

2. Sri Polini Srinivasa Rao S/o Tirupathi Rayudu, Age: 49 Years, Caste: Kamma, Avulavari Palem, Singarayakonda, Prakasam District.

3. Sri DSR Manohar Rao S/o Venkata Subbaiah, Age: 46 Years, Senior Assistant, Panchayat Raj Division, Ongole, Prakasam District.

4. Sri M.V. Siva Prasada Rao S/o Venkata Subbaiah, Age: 48 Years, Assistant Executive Engineer, Panchayat Raj, Ongole, Prakasam District.

5. Sri K. Subba Rao S/o Mastan, Age: 53 Years, Work Inspector, Panchayat Raj, Ongole, Prakasam District.

6. Sri SJ Sadiq S/o SK Mahaboob, Age: 50 Years, Asst. Executive Engineer, Panchayat Raj, PIU Sub-Division, Ongole, Prakasam Dist.

7. Sri K.Venkateswarlu, Inspector of Police, Anti Corruption Bureau, Nellore.

8. Sri M. Krupanandam, Inspector of Police, Anti Corruption Bureau, Nellore.

9. Sri T.V. Srinivasa Rao, Inspector of Police, Anti Corruption Bureau, Nellore.

10. Sri J.Bhaskara Rao, Deputy Superintendent of Police, Anti Corruption Bureau, Nellore.

Dr.MANMOHAN SINGH
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SECTION OFFICER

ANNEXURE - IV

LIST OF RECORDS

1. Duty Register (Attendance register) of Integrated Check Post, B.V.Palem.

2. Personal Cash Register.

3. Mediators report drafted on 21.12.2013 for the surprise check conducted over the Integrated Check Post, B.V. Palem, Tada Mandal, SPSR Nellore Dist.

4. Service Particulars and Job Chart of SO.

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